

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

Filed: 12/23/2004  
180th Day: 2/10/2005  
270th Day: 6/21/2005  
Staff: CP-LB  
Staff Report: 1/27/2005  
Hearing Date: February 17, 2005  
Commission Action:



# Th15g

**STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-04-481

**APPLICANT:** County of Los Angeles Department of Public Works

**AGENT:** Monica Maa, Project Management Division

**PROJECT LOCATION:** On the beach at: 1) Rose Avenue public beach parking lot, 2) Venice Boulevard public beach parking lot, 3) Washington Boulevard public beach parking lot, and 4) Yawl Street (public restroom), Venice, City of Los Angeles, Los Angeles County.

**PROJECT DESCRIPTION:** The Venice Beach Refurbishment Project includes the renovation of the following public facilities: 1) the public beach parking lot and equipment rental concessions on the beach at Rose Ave., 2) the public beach parking lot, restroom and equipment rental concession on the beach at Venice Blvd., 3) the public beach parking lot, restroom and equipment rental concession on the beach at Washington Blvd., and 4) the public restroom seaward of Yawl Street. Each parking area will be resurfaced and restriped, equipped with new entrance controls, signage and a new parking attendant kiosk. Only the Venice Blvd. public beach parking lot would be enlarged. Restrooms and concession buildings will be demolished and rebuilt, except at Yawl Street where the existing facility will be refurbished and enhanced by the addition of a unisex ADA restroom and a new sidewalk to the jetty. A new restroom, playground and picnic area is proposed seaward of the Washington Blvd. public beach parking lot.

**SUMMARY OF STAFF RECOMMENDATION**

On November 5, 2002, subsequent to a public hearing in San Diego, the Commission conditionally approved Coastal Development Permit Application 5-01-263 (County of Los Angeles Dept. of Beaches & Harbors) for the proposed Venice Beach Refurbishment Project. Coastal Development Permit 5-01-263 expired on November 5, 2004, prior to being issued or vested. Consequently, the applicant is now requesting another approval of the same project. Approval of this coastal development permit application would reinstate the conditional authorization of the project originally granted by the Commission on November 5, 2002.

Staff is recommending **approval with conditions** to protect public access, recreation, visual resources and water quality. The applicant agrees with the staff recommendation. Please see the **bottom of Page Three** for the motion and resolution necessary to carry out the staff recommendation.

**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. City of Los Angeles Zoning Administrator's Interpretation, Case No. 2001-3363, 7/13/01.
3. City of Los Angeles Dept. of Recreation & Parks Letter of Authorization, 10/12/01.
4. Joint Powers Agreement No. 25273 & amendment (Beach Lifeguard and Maintenance Agreement) between the City of Los Angeles and the County of Los Angeles.
5. Wave Run-Up Analysis, Venice Beach, by Concept Marine Associates, Inc., 2/7/02.
6. Coastal Development Permit 5-96-176 (City of Los Angeles: Ocean Front Walk Refurbishment)
7. Coastal Development Permit 5-99-427/A5-VEN-99-449 (City of Los Angeles: Venice Pavilion Demolition and Park Restoration).
8. Coastal Development Permit 5-00-484/A5-VEN-01-008 (City of Los Angeles: Damson Oil Demolition, Beach Restoration and Skate Venue).
9. Coastal Development Permit 5-01-470 (County of Los Angeles: Coastal Parking Lot Fees and Management).
10. Coastal Development Permit 5-01-261 (County of Los Angeles: Will Rogers State Beach Improvements).
11. Coastal Development Permit 5-01-262 (County of Los Angeles: Dockweiler State Beach Improvements).
12. Coastal Development Permit Application 5-01-263 (County of Los Angeles: Venice Beach Refurbishment).
13. Coastal Commission Restoration Order CCC-02-RO-03 (City of Los Angeles).
14. Venice Beach: Post-Construction Water Quality Management Plan, by County of Los Angeles Dept. of Beaches & Harbors, 12/8/03.

**STAFF NOTE:**

The proposed development is located within an area of the City of Los Angeles that is not subject to a certified Local Coastal Program (LCP). Therefore, the Commission's permitting authority has not been delegated to the local government *pursuant to a certified LCP*. The City of Los Angeles, however, was authorized by the Commission in 1978 to issue local coastal development permits (prior to LCP certification) pursuant to Section 30600(b)(1) of the Coastal Act. Section 30600(b)(1) of the Coastal Act allows local government to assume permitting authority prior to certification of a LCP. Under this section, local government may establish procedures for the filing, processing, review, modification, approval, or denial of coastal development permits within its area of jurisdiction in the coastal zone. Section 30602 states that any action taken by a local government on a coastal development permit application prior to the certification of a LCP can be appealed by the Executive Director of the Commission, any person, or any two members of the Commission to the Commission within twenty working days from the receipt of the notice of City action. Section 30601 of the Coastal Act and Section 13307 of the California Code of Regulations require that development in certain areas of the coastal zone obtain a coastal development permit from both the Commission and the local government (i.e. dual permits). In 1978, when the Commission granted the City of Los Angeles permitting authority, Commission staff prepared maps to identify the areas where coastal development permits must be obtained from both the Commission and the City. This area is commonly known as the "Dual Permit Jurisdiction." Areas in the coastal zone outside the dual permit jurisdiction are known as the "Single Permit Jurisdiction". The City also issues local coastal development permits for projects located in the single permit jurisdiction.

Because the proposed development is located within three hundred feet of the shoreline, it is within the mapped City of Los Angeles Dual Permit Jurisdiction area. Therefore, an action on

a coastal development permit must be taken from both the City of Los Angeles and the Coastal Commission prior to development. On July 13, 2001, the City of Los Angeles Planning Department issued Zoning Administrator's Interpretation [Case No. 2001-3363(ZAI)], allowing the applicant to apply directly to the Coastal Commission without receiving a local coastal development permit from the City of Los Angeles. The City does not have permit jurisdiction in this case because the applicant is the County of Los Angeles. Pursuant to Section 30600(b)(2) of the Coastal Act, the County is not required to obtain a permit from the City; the County is not subject to the City's local regulatory authority. Therefore, the coastal development permit that is required for the proposed development must be obtained from the Commission. The Commission's standard of review for the proposed development is the Chapter 3 policies of the Coastal Act. The City of Los Angeles certified Land Use Plan (LUP) for Venice is advisory in nature and may provide guidance.

The City of Los Angeles, however, is the landowner for the project sites at Venice Beach. The County maintains the facilities subject to this coastal development permit application pursuant to Joint Powers Agreement No. 25273 & amendment (Beach Lifeguard and Maintenance Agreement) between the City of Los Angeles and the County of Los Angeles. The City Department of Recreation & Parks Board of Commissioners has reviewed the proposed improvements and has authorized the applicant's proposal (Exhibit #20).

### **STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application with special conditions:

**MOTION:** *"I move that the Commission approve with special conditions Coastal Development Permit 5-04-481 per the staff recommendation as set forth below."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **I. Resolution: Approval with Conditions**

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

### **II. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Final Project Plans

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, final revised plans for the approved development. The final revised plans shall conform to, and clearly demonstrate compliance with, the following requirements:

- A. **Picnic Amenities. Rose Avenue:** The existing picnic facility (shaded tables and seats) situated on the seaward side of the Rose Avenue public beach parking lot shall be preserved in its current location. **Washington Boulevard:** The existing picnic facility (shaded tables and seats) situated on the seaward side of the Washington Boulevard public beach parking lot, prior to being removed, shall be replaced on the beach area situated on the seaward side of the parking lot, near the Venice Pier and the proposed restroom. The location and design of the Washington Boulevard replacement picnic facility shall be included on the revised plans as shown on **Exhibit #14 of the 1/27/05 staff report.**
- B. **Rose Avenue Concession Building.** The proposed beach equipment concession building at the Rose Avenue public beach parking lot shall be located in the southern section of the of the parking lot, south of the entrance isle and the Rose Avenue view corridor, as shown on **Exhibit #4, p.1 of the 1/27/05 staff report.**
- C. **Venice Pier Playground.** The playground proposed to be built on the beach south of Venice Pier shall be completely enclosed by a gated (two or more gated entries) safety barrier (wall or fence) at least 36" high, but not more than 48".

- D. **Parking Attendant Kiosks.** The maximum height of all proposed parking attendant kiosks shall not exceed ten (10') feet above parking lot grade.
- E. **Public Restrooms.** The proposed public restroom buildings and their sewer connections (one seaward of the Washington Boulevard public beach parking lot and one on the seaward edge of the Venice Boulevard public beach parking lot) shall be designed, and reviewed and approved for structural soundness and safety by a qualified engineer, to withstand flooding from a 100-year storm event. No new shoreline protective devices shall be used to achieve this standard. The structural plans must be in substantial conformance with the conceptual plans approved by the Commission. Any changes in the Commission-approved conceptual design or building location that the engineer may require shall be submitted to the Executive Director to determine whether an amendment to the permit is required.
- F. **Water Quality (BMPs).** The project plans shall incorporate the structural and non-structural BMPs approved pursuant to Special Condition Three (Construction Best Management Practices Plan) and Special Condition Four (Water Quality Management Plan).

The permittee shall undertake the development in accordance with the final plans approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Beach and Recreation Area Closures and Project Staging Areas

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a final demolition and construction schedule, and detailed plans which identify the specific location of: demolition staging and equipment storage areas, areas where any demolished structures and excavated soils are proposed to be temporarily stockpiled, and the access corridors to the project sites. Said plans shall include the following criteria and limitations specified via written notes on the plans:

- A. In order to minimize adverse impacts on least terns during nesting season, no construction or demolition activity associated with the proposed improvement of the Yawl Street public restroom (including the construction of the concrete walkway) shall occur during the period commencing on March 15 and ending September 15.
- B. In order to reduce adverse impacts to public access and recreation, all project staging, demolition and construction activities shall be restricted during the annual peak beach use period that commences at the start of Memorial Day weekend

and ends on October 31 of each year. During the peak beach use period the following restrictions shall apply:

- (i) No project staging, demolition or construction activities of any kind shall take place during weekends or holidays.
  - (ii) Sanitary chemical restrooms shall be provided for public use at all times and locations where the existing or new permanent restroom facilities are unavailable for public use.
  - (iii) Whenever the permitted project staging, demolition or construction activities occur in a public beach parking lot, the activities and development shall be phased to ensure that at least one-half ( $\frac{1}{2}$ ) capacity of each of the public beach parking lots is open for public use.
- C. Beach and recreation area closures during demolition and construction shall be minimized and limited to areas immediately adjacent to the project area. Closed areas shall not to exceed a 100-foot radius from the active work area. All beach areas and recreation facilities outside of the 100-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission approved coastal development permit or permit amendment).
- D. Public access to and along the beach bicycle route shall be maintained at all times, except for temporary interruptions (5 minutes or less) for truck crossing. When the current beach bicycle route is closed for demolition and reconstruction, the permittee shall provide a clearly marked beach bicycle route detour to bypass the project site. No sand areas may be paved for any detour, except within the specific areas where a Commission-approved permit or amendment allows the installation of pavement on the sand.
- E. Staging areas, equipment and materials storage areas, and soil stockpiles shall be located at least 100 feet from the water at all times, and shall be in substantial conformance with the "Contractor's Staging Areas" identified on **Exhibit #2 of the staff report dated 1/27/05**. These areas shall be fenced-off to prevent any encroachment of equipment or debris within 100 feet of water.
- F. Truck and heavy equipment access corridors to the project site shall be located in a manner that has the least impact on public access and public parking areas.

The permittee shall undertake development in accordance with the plans and construction schedule approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans or construction schedule shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### 3. Protection of Water Quality – During Construction

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Construction Best Management Practices Plan for the project site, prepared by a licensed professional, and shall incorporate erosion, sediment, and chemical control Best Management Practices (BMPs) designed to minimize to the maximum extent practicable the adverse impacts associated with construction to receiving waters. The applicant shall implement the approved Construction Best Management Practices Plan on the project sites prior to and concurrent with the project staging, demolition and construction operations. The BMPs shall be maintained throughout the development process.

A. In addition to the specifications in Special Condition Two above, the plan shall include the following requirements:

- (i) No construction materials, debris, or waste shall be placed or stored in a manner where it may be subject to wave, wind, rain, or tidal erosion and dispersion.
- (ii) Any and all refuse and debris resulting from construction and demolition activities shall be removed from the project site within 72 hours of completion of demolition and construction. Construction and demolition debris and sediment shall be removed or contained and secured from work areas each day that construction or demolition occurs to prevent the accumulation of sediment and other debris that could be discharged into coastal waters. All demolition/construction debris and other waste materials removed from the project site shall be disposed of or recycled in compliance with all local, state and federal regulations. No debris shall be placed in coastal waters. If a disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.
- (iii) No storage of mechanized equipment is allowed on the beach, except in specific areas where a paved parking lot has been permitted.
- (iv) No disturbance or use of areas below the high tide line is permitted for the construction of the proposed development.
- (v) Erosion control/sedimentation Best Management Practices (BMPs) shall be used to control dust and sedimentation impacts to coastal waters during construction and demolition activities. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into the storm drain system and Pacific Ocean
- (vi) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and kept as far away from a storm drain inlet and receiving waters as possible.

B. The required Construction Best Management Practices Plan for the project site shall also include the following BMPs designed to prevent spillage and/or runoff of

construction and demolition-related materials, sediment, or contaminants associated with construction activity. The applicant shall:

- (i) Develop and implement spill prevention and control measures and shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible.
- (ii) Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a controlled location not subject to runoff into coastal waters, and more than fifty feet away from a storm drain, open ditch or surface waters.
- (iii) Provide and maintain adequate disposal facilities for solid waste, including excess concrete, produced during construction.
- (iv) Provide and maintain temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, wind barriers such as solid board fence, snow fences, or hay bales, and silt fencing.
- (v) Stabilize any stockpiled fill with geofabric covers or other appropriate cover, and close and stabilize open trenches as soon as possible.
- (vi) Prior to final inspection of the proposed project the applicant shall ensure that no gasoline, lubricant, or other petroleum-based product was deposited on the sandy beach or at any beach facility. If such residues are discovered, the residues and all contaminated sand shall be reported to the Executive Director in order to determine if the removal and disposal of the contaminated matter shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

The Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition shall be attached to all final construction plans. The permittee shall undertake the approved development in accordance with the Construction Best Management Practices Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Construction Best Management Practices Plan shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 4. Protection of Water Quality – Project Design & Post Construction



**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of storm water and nuisance flow leaving the developed site. The plan shall be in substantial conformance with the following requirements:

**A. Water Quality Goals.**

- (i) Appropriate structural and non-structural BMPs shall be designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site, without the construction of drain outlets onto the sandy beach.
- (ii) Post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (iii) Runoff from all roofs, parking areas, maintenance areas, and driveways shall be collected and directed through a system of appropriate structural and/or non-structural BMPs. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the building site in a non-erosive manner.

**B. Parking Lots, Vehicle and Equipment Service and Maintenance Areas**

- (i) The WQMP shall provide for the treatment of runoff from parking lots using appropriate structural and non-structural BMPs. At a minimum this must include a bioswale and/or filter designed specifically to remove vehicular contaminants (oil, grease, automotive fluids, heavy metals), sediments, and floatables and particulate debris. No new drain outlets are permitted on the sandy beach.
- (ii) The applicant shall regularly sweep all parking lot surfaces using an appropriate mechanical sweeper and shall, at a minimum, sweep all parking lots on a weekly basis in order to prevent dispersal of pollutants that may collect on those surfaces.
- (iii) Impervious areas within the vehicle equipment and service maintenance area shall be properly contained with asphalt or cement berms to prevent spills from reaching the beach or receiving waters. In addition, a standing cover shall be placed over all fuel pumps located in the vehicle and maintenance area.

- (iv) The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.
- (v) The applicant shall not spray down or wash down the parking lot unless the water used is directed through the sanitary sewer system or a filtered drain.

#### C. Kiosks and Concession Stands

- (i) If located outdoors, wash down areas for equipment and accessories shall be covered, paved, have primary containment, and be connected to the sanitary sewer.
- (ii) The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and watertight in order to prevent storm water contact with waste matter, which can be a potential source of bacteria, grease, and other pollutants in runoff.
- (iii) The use of **Styrofoam** containers for food and drinks sales shall be minimized, and if feasible, completely avoided.
- (iv) When feasible, the above restriction on kiosks and concession stands shall be incorporated into a lease agreement with the concessionaire or operator of such facilities so that such requirements are binding upon them.

#### D. Monitoring and Maintenance

All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired, at the following minimum frequencies: 1) prior to October 15<sup>th</sup> each year; 2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, 3) at least twice during the dry season (between April 16 and October 14).

- (i) Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- (ii) All inspection, maintenance and clean-out activities shall be documented in an **annual report** submitted to the Executive Director no later than June 30<sup>th</sup> of each year. This report shall be submitted for the first three years following the completion of development, biannually thereafter unless the Executive Director determines that no additional reports are necessary.
- (iii) It is the applicant's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specification.

The permittee shall undertake and maintain the approved development in accordance with the Water Quality Management Plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved Water Quality Management Plan

shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Signage Plan

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and approval of the Executive Director, a signage plan for all signage proposed to be installed on or adjacent to the proposed development, including, but not limited to, the restroom buildings, concession stands, parking attendant kiosks and parking lot entries/exits. The signage plan shall conform to, and clearly demonstrate compliance with, the following requirements:

- A. Freestanding signs shall be limited to low-scale official City or County information and directional signs, and shall not interfere with coastal access.
- B. No portion of any sign shall be placed on the roof of a structure, and no sign shall exceed the roof height of a structure.
- C. Signs attached to structures shall be limited to 25 square feet in area.
- D. The signage plan shall include a low-scale official sign at each parking lot entrance/exit which informs the public of the locations of alternate public beach parking facilities located inland of the boardwalk.

The permittee shall undertake the development in accordance with the signage plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved signage shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Management of the Public Beach Parking Lots

All parking within the Rose Avenue, Venice Boulevard and Washington Boulevard public beach parking lots shall be reserved for the use of the general public and shall be available for use on a first-come, first-served basis. There shall be no exclusive use of parking spaces or reserved parking spaces within the parking lots by any person or group other than the general public (handicapped spaces excluded); however, the temporary short-term lease or reservation (not to exceed 48 hours) of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposed parking permit system or increase in the parking fees shall be submitted to the Executive Director in order to determine if the proposed change shall require a coastal development permit or permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No change to the parking lot management

shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Concession Stands

The permitted use of the approved concession stand structures is beach recreation equipment rentals. Any proposed change in use, including the addition of food sales, shall be submitted to the Executive Director to determine whether an amendment to this permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. No change in use, or intensification of use, shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

8. Future Uses and Improvements

This approval is limited to the uses and development specifically described in the project description, approved plans and related findings contained in Coastal Development Permit 5-04-481. Any proposed additional development, including, but not limited to: new construction, intensification of use, addition of food services or dining areas, and the lease of beach or park areas, will require an amendment to the permit or a new coastal development permit unless the Executive Director determines that no amendment is required pursuant to the requirements of the Coastal Act and the California Code of Regulations.

9. Lease to Private Operators

The lease of any development approved by Coastal Development Permit 5-04-481 to private operators shall explicitly incorporate provisions for public use, public access, signage, water quality, and parking lot fees and management practices consistent with all conditions contained herein.

10. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No change to the project shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required

11. Prohibited Construction Materials

Project related fences, benches, walls, bollards, or support structures shall not contain any of the following: petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary products of petroleum, including creosote, or carbonaceous materials or substances.

12. No Future Shoreline Protective Device

**A. BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant agrees, on behalf of itself and all successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit 5-04-481 including, but not limited to restrooms, concession stands, maintenance facilities, parking lots, bike and pedestrian paths, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, flooding, storm conditions, or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

By acceptance of this permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the permittee and/or whoever has authority over this site and the development authorized by this permit shall remove the development authorized by this permit, including, but not limited to restrooms, concession stands, maintenance facilities, parking lots, bike and pedestrian paths, and any other future improvements, if any government agency has ordered that the development is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the permittee and/or whoever has authority over this site and the development authorized by this permit shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

In the event the shoreline recedes to within ten feet (10') of the development authorized by this permit but no government agency has ordered that the development not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee, that addresses whether any portion of the development is threatened by wave, erosion, flooding, storm conditions or other natural hazards. The report shall identify all those immediate or potential future measures that could stabilize the development authorized by this permit without shoreline protection including, but not limited to, removal or relocation of portions of the development. If the geotechnical report concludes that the development authorized by this permit or any portion of the development are unsafe, the permittee and/or whoever has authority over this site and the development authorized by this permit shall, in accordance with a coastal development permit, remove the threatened portion of the development.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall secure, and submit to the Executive Director, a written agreement from the City of Los Angeles that the City (a) agrees to all of the above terms in Subsection A of this condition to which the applicant agrees and (b) waives any rights analogous to those

waived by the applicant; and (c) that the City will require any other agent acting on its behalf to do the same.

13. Assumption of Risk

**A. BY ACCEPTANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, flooding and erosion; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall secure, and submit to the Executive Director, a written agreement from the City of Los Angeles that the City acknowledges and agrees to the four items in Subsection A of this condition and that the City will require any other agent acting on its behalf to acknowledge and agree to the four items in Subsection A of this condition.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description**

The County of Los Angeles Department of Public Works proposes to renovate the existing Venice Beach public recreation facilities that the County manages under a Joint Powers Agreement with the City of Los Angeles (Exhibit #1). The proposed project involves the following four public facilities located seaward of Ocean Front Walk:

- 1) Public beach parking lot and equipment rental concession stand on the beach at Rose Avenue (Exhibit #2, p.1);
- 2) Public beach parking lot, restroom, bike path and equipment rental concession stand on the beach at Venice Boulevard (Exhibit #2, p.2);
- 3) Public beach parking lot, restroom and equipment rental concession stand on the beach at Washington Boulevard (Exhibit #2, p.2); and,
- 4) Public restroom seaward of Yawl Street (Exhibit #2, p.3).

The proposed improvements are described in detail below, descending geographically from the northern part of Venice Beach (near the Santa Monica City limits) to the southern part of Venice known as the Marina Peninsula (refer also to the attached exhibits). The applicant

states that the proposed development will take more than twelve months to complete. Therefore, some of the proposed project staging, construction and demolition activities would occur during the summer peak beach use season.

### **Rose Avenue Public Beach Parking Lot (Exhibits #3-7)**

The Rose Avenue public beach parking lot is located immediately seaward of the Venice boardwalk (Ocean Front Walk) at the terminus of Rose Avenue in North Venice (Exhibit #2, p.1). According to the certified Venice Land Use Plan (LUP), this parking lot currently contains 289 parking spaces (see Section C of this report for discussion of parking lot capacities). A parking attendant collects a flat fee of \$5-\$9 (depending on daily parking demand) from users of the County's three public beach parking lots located on the sand in Venice: Rose Avenue, Venice Boulevard and Washington Boulevard parking lots.

The applicant proposes to resurface (e.g. slurry seal) the Rose Avenue parking lot's existing paved areas, and to repaint the parking lot stripes. The existing pavement, in this parking lot, would not be removed. The proposed parking lot striping plan indicates that 270 parking spaces would be maintained in the lot, including eight handicapped spaces (Exhibit #4). No new drains are proposed. No subsurface drains currently exist in the parking lot; so all runoff percolates into cracks in the pavement or flows from the pavement into the surrounding turf and sand areas.

The applicant also proposes to remove the Sea/Land storage container from northern edge of the parking lot that has been used as a concession stand (beach equipment; no food) for about ten years (Exhibit #4, p.2). A new fourteen-foot high, 350 square foot equipment concession building is proposed to be built on the seaward edge of the paved parking lot, south of the entrance isle and the Rose Avenue view corridor (Exhibit #4, p.1). The proposed concession stand would rent beach equipment (e.g. skates, chairs, foam surf boards and bikes), and would not serve any food or drinks (Exhibit #6).

The proposed project also includes the renovation of the parking lot entrance and exit located at the intersection of Rose Avenue and Ocean Front Walk. The existing eight-foot high parking attendant kiosk would be removed, and a new 9.5-foot high kiosk is proposed in its place (Exhibit #7). Two new light poles, new signage and new landscaping would also be installed at the Rose Avenue parking lot entrance/exit. The existing tire shredder would be retained in the exit lane to enable vehicles to exit the lot at all times.

The applicant has assured staff that the existing picnic tables with shade structures, public restroom and playground located on the beach area immediately seaward of the Rose Avenue public beach parking lot will not be altered by the proposed project (See L.A. County letter dated October 16, 2002).

### **Venice Boulevard Public Beach Parking Lot (Exhibits #8-11)**

The Venice Boulevard public beach parking lot is located immediately seaward of the Venice boardwalk (Ocean Front Walk) at the terminus of North Venice Boulevard and South Venice Boulevard in North Venice (Exhibit #2, p.2). According to the certified Venice LUP, this parking lot currently contains 321 parking spaces (see Section C of this report for discussion of parking lot capacities). The Los Angeles County beach maintenance yard and lifeguard headquarters

building is situated along the southern edge of the parking lot (Exhibit #8, p.1). The City of Los Angeles Venice Beach Recreation area (Muscle Beach, paddle ball courts and basketball courts) is located on the northern edge of the parking lot (Exhibit #8, p.3).

The applicant proposes extensive changes to the Venice Boulevard public beach parking lot, including the seaward extension of the pavement by as much as eighty feet (covering about 20,200 square feet of sandy beach) in order to restore the lot to its pre-1983 footprint (Exhibit #9). The proposed project would cover an additional 15,000 square feet of sandy beach by the construction of a one thousand-foot long segment of the fifteen-foot wide beach bike path located seaward of the proposed parking lot footprint (Exhibit #9).

First, the applicant proposes to demolish the existing parking lot, parking attendant kiosk, and the existing public restroom located seaward of the parking lot (Exhibit #8, p.2). All existing pavement, wheel stops, landscaped islands, light standards and abandoned sewer and oil pipelines would be removed from the current parking lot footprint, as would the bike path that currently runs along the seaward edge of the parking lot's pavement. The sea/land storage container that has been used as a concession stand (beach equipment; no food) would also be removed from the seaward edge of the pavement. The existing public restroom, which is on the sandy beach only about ninety feet from the high tide line, would be completely demolished and the site restored as sandy beach (about 2,000 square feet of sand area). The abandoned sewer lines would be removed also from the beach (Exhibit #9, p.2).

The applicant then proposes to construct a new parking lot surface, including the extension of the paved area seaward of the current parking lot footprint (Exhibit #9). The proposed seaward extension of the pavement would cover 20,200 square feet of the sandy beach area that was previously paved before the parking lot was reduced in size by storm erosion in 1983. A new public restroom and fourteen-foot high, 350 square foot equipment concession building would be constructed on the seaward edge of the newly pavement (Exhibit #9, p.2). The proposed new restroom would be situated about one hundred feet further inland than the existing restroom building, and would also be situated closer to the Los Angeles County beach maintenance yard and lifeguard headquarters building in order to be better protected by an existing rock revetment. The proposed concession stand would rent beach equipment (e.g. skates, chairs, foam surf boards and bikes), and would not serve any food or drinks (Exhibit #6). A new water line for fire safety purposes (sprinklers) would be extended under the parking lot surface to the proposed concession stand.

The proposal includes the relocation of the beach bike path that currently passes through the Venice Boulevard public beach parking lot on the existing paved parking lot surface. The applicant proposes to construct a new fifteen-foot wide concrete bike path on the seaward side of the proposed new parking lot, restroom and concession stand (Exhibit #9). The proposed one thousand-foot long bike path segment, which would connect to the existing beach bike path on the north and south ends of the parking lot, covers 15,000 square feet of sandy beach.

Prior to installing the proposed pavement for the enlarged parking lot, the applicant proposes to install a new subsurface drainage system that would connect to an existing storm drain outlet on the beach. No subsurface drains currently exist in the parking lot; so all runoff percolates into cracks in the pavement or flows from the pavement into the surrounding turf and sand areas. New drains, landscaping and perimeter fencing would also be installed in the



County's beach maintenance yard on the southern edge of the parking lot. The proposed drains include filtered catch basin inserts.

The proposed project also includes the renovation of the parking lot entrance and exit located at the intersection of North Venice Boulevard and Ocean Front Walk, and the alternate parking lot exit located at the intersection of South Venice Boulevard and Ocean Front Walk. The existing eight-foot high parking attendant kiosk would be removed from the entrance, and a new 9.5-foot high kiosk is proposed in its place (Exhibit #7). New entry lighting, signage and landscaping would also be installed along the 120-foot long entrance queuing lane. A new (replacement) tire shredder would be installed in the South Venice Boulevard exit lane to enable vehicles to exit the lot at all times.

Other proposed improvements include new parking lot stripes and signage. According to the applicant, the proposed parking lot striping plan will create a total of 317 parking spaces (including handicapped spaces) in the expanded parking lot (see Section C of this report for discussion of parking lot capacities).

### **Washington Boulevard/Venice Pier Public Beach Parking Lot (Exhibits #12-16)**

The Washington Boulevard (formerly Washington Street) public beach parking lot is located seaward of Ocean Front Walk at the terminus of Washington Boulevard, adjacent to Venice Pier (Exhibit #2, p.2). At the Washington Boulevard public beach parking lot, the applicant proposes to demolish the parking attendant kiosk (at the parking lot entrance), and the public restroom and shaded picnic area (pad, walls, tables and shade structures) located seaward of the parking lot (Exhibit #13). The existing parking lot pavement would be saved in place, but would be resurfaced (e.g., slurry sealed). The footprint of the existing parking lot would not be enlarged. A new parking lot striping plan is proposed that would result in 341 parking stalls. According to the certified Venice LUP, the Washington Boulevard public beach parking lot currently contains 302 parking spaces (see Section C of this report for discussion of parking lot capacities). The applicant's plan indicates that there are 380 existing parking spaces in this lot.

Most of the 36-inch high pile wall that now runs along the seaward edge of the parking lot would remain in place. Immediately seaward of this pile wall, the applicant proposes to build a new public restroom on the footprint of the existing restroom (Exhibit #11). An existing rock revetment would be moved about ten feet further seaward to make room for a new concrete pad around the new restroom facility (Exhibit #13). A new playground and picnic facility are proposed to be constructed next to the proposed restroom, between the sea and the footprint of the existing parking lot (Exhibit #14). The proposed playground is designed to be accessible to physically challenged persons.

The sea/land storage container that has been used as a concession stand (beach equipment; no food) would also be removed from the northern edge of the parking lot, and the one thousand square foot concrete pad on which it now sits would be removed and the area restored to sandy beach (Exhibit #13). A proposed fourteen-foot high, 350 square foot equipment concession building would be constructed on the northern edge existing paved parking lot (Exhibit #6). The proposed concession stand would rent beach equipment (e.g. skates, chairs, foam surf boards and bikes), and would not serve any food or drinks.

The proposed project also includes the renovation of the parking lot entrance and exit located at the intersection of Washington Boulevard and Ocean Front Walk (Exhibit #16). The existing eight-foot high parking attendant kiosk would be removed, and a new 9.5-foot high kiosk is proposed in its place (Exhibit #7). New entry lighting, gates, signage and landscaping would also be installed at the parking lot entrance/exit. The existing tire shredder at the exit will be removed. When the applicant paints the new stripes on the resurfaced parking lot, the number of parking spaces will be reduced to 341, including eleven handicapped spaces). The proposed striping plan would eliminate the vehicle lane from inland side of the parking lot that was formerly used by pedestrians to bypass the Ocean Front Walk boardwalk right-of-way that was blocked by unpermitted private yard encroachments. In 2004, the City of Los Angeles removed all of the private yard encroachments from the Ocean Front Walk right-of-way, and public pedestrian access has been restored along the boardwalk inland of the Washington Boulevard public beach parking lot (See Restoration Order CCC-02-RO-03).

### **Public Restroom on Beach seaward of Yawl Street (Exhibits #17-19)**

The applicant proposes to refurbish the existing semi-subterranean restroom facility located on the sandy beach seaward of Yawl Street on the Marina Peninsula area of Venice Beach (Exhibit #17). The County-maintained facility is located on the sand within the northern extent of Dockweiler State Beach, about 150 feet from the current fence of the California least tern nesting area (Exhibit #2, p.3). A proposed expansion of the fenced least tern area would result in a distance of 120 feet between the fence and the restroom [See Coastal Development Permit Application 5-02-309/5-87-847-A (DFG)]. The applicant proposes to complete the project outside of the least tern's nesting season that generally runs from mid-March until late September.

New canopy roofs would be added to the existing structure, and a new ADA accessible facility (single stall) is proposed to be constructed at grade (9' or 12' above sand) on a new concrete pad abutting the existing facility (Exhibits #17-19). In addition, the applicant proposes to construct new four-foot wide, 240-foot long concrete path on the beach to connect the facility with the existing public accessway on the Marina del Rey North Entrance Jetty (Exhibit #17).

### **B. Public Access and Recreation**

One of the basic goals stated in the Coastal Act is to maximize public access and recreation along the coast. The proposed project would improve existing recreational facilities, and would therefore improve the public's ability to access and enjoy Venice Beach. The proposed project, in general, conforms with the public access and recreation policies of the Coastal Act. Several components of the proposed development, however, do raise significant issues with the Chapter 3 policies of the Coastal Act, including the following public access and recreation policies.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The proposed project must conform with the above-stated public access and recreation policies of the Coastal Act.

### **Land Use**

The proposed project involves four public facilities located entirely on public land seaward of Ocean Front Walk (the boardwalk) in Venice. The proposed improvements to public parking facilities would occur at the lots located seaward of the boardwalk at Rose Avenue, Venice Boulevard and Washington Boulevard (Exhibit #2). New concession stands would be built within or adjacent to these three existing beach parking lots to replace the metal storage containers that are currently being used to store and rent beach equipment such as bicycles, chairs and foam surf boards. Existing public restroom facilities would be rebuilt at the Venice Boulevard parking lot, and improved on the beach seaward of Yawl Street on the Marina Peninsula (Exhibit #2, p.3).

The services that would continue to be provided to beach goers by the proposed improvements to the existing public recreation facilities carry out the Coastal Act policies that encourage public access to the shoreline and coastal recreational opportunities [Sections 30210, 30213, 30220 and 30221]. The public beach parking lots are necessary to serve the public that arrives at the shoreline by private vehicle. The proposed project includes necessary improvements to existing parking lots. Restrooms must be available and convenient for all beach goers. The proposed project would provide new and improved toilet and shower facilities. The proposed beach equipment rental concessions would provide the public with various recreational opportunities, which are preferred.

The certified Venice LUP identifies the project area as “Open Space”, where public recreation facilities are permitted and encouraged. The proposed project is consistent with the following policies of the certified Venice LUP.

- **Policy III. A. 1. General.** *New recreational opportunities should be provided, and existing recreational areas, shown on Exhibits 19a through 21b, shall be protected, maintained and enhanced for a variety of recreational opportunities for both residents and visitors, including passive recreational and educational activities, as well as active recreational uses.*

**a.** *Recreation and visitor-serving facilities shall be encouraged, provided they retain the existing character and housing opportunities of the area, and provided there is sufficient infrastructure capacity to service such facilities.*

**b.** *Acquisition, expansion and improvement of parks and facilities throughout the Venice Coastal Zone shall be encouraged and accelerated, subject to the availability of funds.*

**c.** *Where feasible and compatible with the surrounding neighborhood, recreational uses shall be located in conjunction with other new public facilities, such as public parking lots.*

**d.** *Recreation facilities shall be refurbished and constructed to maximize recreational opportunities.*

**e.** *Beach Hours: Public access and recreational opportunities on the sandy beach shall be protected and encouraged. Any limitations to public access, including changes to the hours of operation, shall be subject to a coastal development permit.*

- **Policy II. A. 2. Expansion of Public Beach Parking Supply.** *The construction of new public parking facilities should be implemented, as well as maximizing the use of existing ones by restriping existing parking lots or converting them to multi-level structures where consistent with other Coastal Act policies. The parking lots located west of the Ocean Front Walk shall remain surface parking lots. In no case shall such structures obstruct ocean views or be inconsistent with other Coastal Act or LUP Policies.*

The proposed project involves the resurfacing and restriping of the three public beach parking lots situated on the beach west of Ocean Front Walk (boardwalk), all three of which will remain surface parking lots. The views impacts of the proposed project are discussed in the Visual Resources Section of this report (See Section D).

### **Picnic Amenities**

One component of the proposed project, however, would have a negative affect on public access and recreation: the proposed demolition of existing shaded picnic tables from the beach areas located immediately seaward of the Rose Avenue and Washington Boulevard public beach parking lots (Exhibit #3, p.1 & Exhibit #13). The preliminary project plans indicated the demolition and removal of these small beach picnic areas, and the restoration of the area to sandy beach. Each picnic area has three or four small tables, each with its own shade structure. The removal of these two picnic areas would leave Venice Beach with no picnic tables, save for one or two individual tables that may have survived the years of degradation and renovation.

Section 30213 of the Coastal Act states that lower cost visitor and recreational facilities shall be protected and encouraged. Picnic tables are such a facility that the Act requires to be protected. Therefore, the permit is conditioned as follows to require the applicant to preserve the shaded picnic tables located immediately seaward of the Rose Avenue parking lot, and to replace in kind the picnic facility located seaward of the Washington Boulevard parking lot. Only as conditioned is the proposed project consistent with the public access and recreation policies of the Coastal Act. The applicant has agreed not to alter the existing picnic facility located immediately seaward of the Rose Avenue parking lot, and to replace in kind the picnic facility located seaward Washington Boulevard parking lot (if it is removed).

### **Playground Design - Safety**

The safety and design of public recreation facilities, especially those provided primarily for children, is a very important consideration. The applicant proposes to build a new playground on the sandy beach immediately seaward of the Washington Boulevard public beach parking lot (Exhibit #14). A playground is a type of public recreation facility that is encouraged by Section 30213 of the Coastal Act.

Beach playgrounds are often used by organized pre-school and Headstart groups for field trips. Large groups of children on these field trips must be closely supervised by adults, especially when playing near moving vehicles and the ocean. The number of children is often much larger than the number of supervisors. Therefore, these groups need a playground that is enclosed to keep the children from running off in different directions.

In order to improve the safety of small children using the proposed playground, and to provide more peace of mind to persons supervising such children, the proposed playground should be designed and built with a safety barrier capable of confining small children within the area so they cannot wander into the abutting parking lot or into the nearby surf zone. Therefore, the proposed playground shall be completely enclosed by a gated (two or more gated entries) safety barrier (wall or fence) at least 36" high, but not more than 48".

### **Timing of Construction Activities**

The proposed project is located on Venice Beach between the high tide line and Ocean Front Walk, the public boardwalk immediately inland of the beach and Venice recreation area. Venice Beach is one of the most visited recreation areas on the coast of California drawing crowds in excess of seven million visitors each year.<sup>1</sup> This area of Venice Beach, including Ocean Front Walk and the beach bicycle path, provide the public with important coastal access and recreation opportunities. The existing bicycle path is part of the regional bicycle path system which runs from Venice Beach to Santa Monica Beach and is heavily used by pedestrians and bicyclists (Exhibit #3, p.2). These public recreation resources must be protected during the completion of the proposed project.

The peak beach use season runs through the summer from May to October. In order to reduce adverse impacts to public access and recreation, the applicant proposes to phase the demolition and construction associated with the proposed project to minimize the project's impacts on public recreation during the peak summer period which runs from the start of the

---

<sup>1</sup> Los Angeles County Dept. of Beaches & Harbors, 1993.

Memorial Day weekend until the end of October. Special Condition Two makes this a requirement of the permit. The permit is conditioned to minimize the area of beach that is closed during the completion of the proposed project. Beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area. All beach areas and recreation facilities outside of a 100-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission approved coastal development permit or permit amendment). In the event that the existing beach bicycle path is closed, a pedestrian detour and beach bicycle path detour shall be provided to bypass the project site during demolition and construction. No sand areas shall be paved for any detour unless the area is permitted to be paved as part of the proposed parking lot expansion. The City of Los Angeles Ocean Front Walk refurbishment (Coastal Development Permit 5-96-176), Venice Pavilion demolition (Coastal Development Permit 5-99-427) and Damson Oil Facility Demolition (Coastal Development Permit 5-01-484) projects were subject to a similar timing restriction.

The public benefits of the proposed development offset the temporary reduction in beach use by making much-needed improvements to aging recreational facilities. As conditioned, the impacts of the proposed development on public access and recreation have been mitigated. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with the public access and recreation policies of the Coastal Act.

### **C. Public Access – Public Beach Parking Lots**

The provision of or lack of parking can also affect the public's ability to access the coast. The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 requires that new development maintain and enhance public access to the coast by providing adequate parking facilities or substitute means of serving the development with public transportation. The certified Venice LUP states that public transportation is an important part of the public access system in Venice. The capability of the current public transportation system is limited, and is used only by a small percentage of visitors to Venice Beach. Most visitors arrive by private vehicle, and they are dependant on the limited parking facilities that exist in the Venice coastal area. Therefore, it is important that the public beach parking facilities at Venice Beach be protected for public beach access. The proposed project involves the improvement of three existing public parking facilities located seaward of the Venice boardwalk at Rose Avenue, Venice Boulevard and Washington Boulevard (Exhibit #2).

#### **Parking Lot Capacity**

As a result of the proposed parking lot improvements, which include new parking lot surfaces, stripes and entrances/exits, there will be a net loss of approximately 62 parking spaces in the three parking lots. The Rose Avenue public beach parking lot would lose nineteen parking spaces, going from 289 to 270 parking spaces (Exhibit #4). The Venice Boulevard public beach parking lot would lose four parking spaces, going from 321 to 317 parking spaces (Exhibit #9). The Washington Boulevard public beach parking lot would lose 39 parking spaces, going from 380 to 341 parking spaces (Exhibit #13). According to the parking count figures contained in the certified Venice LUP (c.2000) and the applicant's parking lot plans, there are currently a total of 990 parking spaces in the three public beach parking lots. A total of 928 parking spaces would exist after the proposed improvements are completed.

The Venice Boulevard parking lot is the only parking lot where the applicant is proposing to expand the pavement beyond the current footprint of the parking lot. Most of the new proposed pavement area in the Venice Boulevard parking lot would be used for public recreational purposes other than parking, including the proposed public restroom and concession stand (Exhibit #9). Therefore, the loss of parking spaces in each particular parking lot is a result of the proposed parking lot striping plan, which would accommodate the expansion of vehicle lanes as required by the Fire Department, and not a result of the addition or removal of pavement. Additionally, even though the parking count figures contained in the certified Venice LUP closely reflect the capacity of each parking lot, the City's figures may not be entirely correct. In any case, the proposed project does not unnecessarily remove public parking spaces from the three affected public beach parking lots.

### **Parking Lot Management**

The County of Los Angeles Department of Beaches and Harbors is responsible for maintaining and operating the three public beach parking lots situated on the seaward side of Ocean Front Walk (Exhibit #2). Historically, the County has contracted with private companies for the day-to-day operation of these parking facilities. A parking attendant employed by the County's contractor typically collects a flat fee of \$5-\$9 (depending on daily and/or seasonal parking demand) from each vehicle that enters one of the public beach parking lots. There are no parking meters or hourly rates. The County, however, recently received Commission approval to implement an automated payment system in all three Venice Beach parking lots [Coastal Development Permit 5-01-470 (L.A. Co. Beaches & Harbors)]. A parking attendant would still be employed during days with high parking demands, but the automated (by machine) system would be used on slow days.

In regards to the operation of the public beach parking lots, the certified Venice LUP contains the following policies:

- **Policy II. A. 8. Signage and Management of Public Beach Parking.** *The availability of alternative beach parking shall be advertised via ads and/or signs at the Venice beach and boardwalk, flyers distributed at local businesses and on the boardwalk.*
- **Policy II. A. 9.(a) Protection of Public Parking.** *The following policies shall be implemented and enforced in order to protect and enhance public parking opportunities provided on public rights-of-way and in off-street parking areas:*
  - a. Beach Parking Lots.** *The beach parking lots located at Washington Boulevard, Venice Boulevard and Rose Avenue shall be protected for long-term (4-8 hours) public beach parking. No parking spaces in the beach parking lots shall be used to satisfy the parking requirements of Policies II.A.3 and II.A.4<sup>2</sup>. The temporary short-term lease or reservation of parking spaces in the beach parking lots may be permitted if the proposed temporary use of the parking supply does not conflict with the need for public parking by beach goers. Any proposal to allow overnight residential parking in the beach parking lots shall include provisions to enforce a prohibition against the storage of vehicles in the lots during the daylight hours by non-beach goers.*

---

<sup>2</sup> Certified Venice LUP Policies II.A.3 and II.A.4 contain the parking requirements (Parking Requirement Table/number of spaces) for various types of land uses.

The public parking facilities listed in the above-stated LUP policies are located on public lands, and are therefore reserved for use by the general public. The applicant's methods for managing these public parking facilities must continue to protect the availability of these public parking supplies for the general public, and in particular, the beach-going public. No form of preferential parking is permitted in the public beach parking lots. In order to protect public access to the shoreline, Special Condition Six of the permit requires that the public beach parking lots be operated consistent with certified LUP Policy II.A.9.a.

In addition, in order to carry out the requirements of certified LUP Policy II.A.8 and Coastal Act Section 30210, Special Condition Five (Signage) requires the applicant to develop a signage plan that includes a low-scale sign at each parking lot entrance and exit which informs the public of the location of alternate public beach parking facilities located inland of the boardwalk. Only as conditioned are the proposed parking lot improvements consistent with the public access and recreation policies of the Coastal Act and the policies of the certified Venice LUP.

#### **D. Visual Resources**

The Coastal Act requires that the scenic and visual qualities of the project area be considered and protected as a resource of public importance.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed project involves improvements to existing public recreation facilities at Venice Beach (Exhibit #2). The proposed resurfacing of the existing public beach parking lots will not block any coastal views or otherwise affect visual resources. The proposed project, however, also includes the removal of several old and/or dilapidated structures, and the construction of new structures to replace the ones that are removed. The applicant proposes to remove and replace the parking attendant kiosks (three kiosks) and the beach equipment concession stands (three stands) that currently exist at the three public beach parking lots situated seaward of the Venice boardwalk. In addition, the existing public restroom buildings (two buildings) located seaward of the Venice Boulevard and Washington Boulevard public beach parking lots would be demolished and rebuilt.

Section 30251 of the Coastal Act requires that the proposed new structures be sited and designed to protect views to and along the shoreline, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.



### **Parking Attendant Kiosks**

The small parking attendant kiosk situated at the entrance of each of the three parking lots would be replaced with a new kiosk in the same location as the existing kiosks. The three parking lot entrances are located at the terminus of the City streets that lead to the parking lots: Rose Avenue, North Venice Boulevard and Washington Boulevard (Exhibit #2). Each of these streets provides a public view of the shoreline (from one or more blocks inland) between the wall of buildings that line the inland side of the boardwalk. In each case, the existing and proposed parking attendant kiosk is within the view corridor of the street that leads to the parking lot, and therefore partially obstructs the public's view to the shoreline. Given the purpose of the kiosks, however, it is not practical to locate the new kiosks away from the parking lot entrances (and outside of the view corridors) that exist near the ends of Rose Avenue, North Venice Boulevard and Washington Boulevard.

The proposed parking attendant kiosks can, however, be designed to minimize their negative impacts to the public's view of the shoreline. The existing kiosks are wooden cubicles about eight feet in height. Originally, the applicant proposed that the new kiosks be two-stories tall and twenty feet in height. Twenty-foot high kiosks would block much more of the public's view of the shoreline than the existing kiosks and would occupy more of the view corridors than the existing kiosks. The second story of each kiosk was determined to be an unnecessary increase in building bulk that would interfere with the public's view of the shoreline, and which would not be visually compatible with the character of the surrounding area. Therefore, the applicant redesigned the proposed parking attendant kiosks at 9.5 feet in height so they would be consistent with Section 30251 of the Coastal Act (Exhibit #7). In order to protect public views of the shoreline in conformance with Section 30251 of the Coastal Act, the proposed parking attendant kiosks shall be limited to ten feet (one story) in height above parking lot grade. Only as conditioned does the proposed project conform to the requirements of Section 30251 of the Coastal Act.

### **Beach Equipment Concession Buildings**

The fourteen-foot high, 350 square foot equipment rental concession stands proposed to be constructed at the Rose Avenue, Venice Boulevard and Washington Boulevard parking lots are situated in parts of the paved parking areas where their impacts to public views are minimal.

The applicant has proposed to relocate the beach equipment concession building in the Rose Avenue public beach parking lot to the southern section of the of the parking lot, south of the entrance isle and outside of the Rose Avenue view corridor, as shown on **Exhibit #4, p.1**. This location would minimize the impacts of the proposed development on public views, while providing a convenient location of the equipment rentals away from the primary foot and vehicle accessways, but close to the beach bicycle path. The sea/land storage container currently being used as the concession stand would be removed from the northern end of the Rose Avenue parking lot (Exhibit #3, p.2).

In the case of the proposed concession stand in the Venice Boulevard parking lot, the structure would be built on the seaward edge of the parking lot just outside of the North Venice Boulevard view corridor (Exhibit #9, p.2). The sea/land storage container currently being used as the concession stand would be removed (Exhibit #8, p.2).

At the Washington Boulevard parking lot, the sea/land storage container that has been used as a concession stand is proposed to be removed from the northern edge of the parking lot, and the one thousand square foot concrete pad on which it now sits would be removed and the area restored to sandy beach (Exhibit #13). A new fourteen-foot high, 350 square foot equipment concession building would be constructed on the northern edge of the existing paved parking lot outside of the Washington Boulevard view corridor (Exhibit #12). All three proposed concession stands would only rent beach equipment (e.g. skates, chairs, foam surf boards and bikes), and would not serve any food or drinks (Exhibit #6).

### **Public Restrooms**

The proposed restroom at the Washington Boulevard parking lot would be built on the same site as the existing restroom after it is demolished (Exhibits #12&13). The new restroom would be similar in height and size as the old restroom building. Therefore, the proposed twelve-foot high restroom will not have a negative effect on existing public views to or along the shoreline (Exhibit #11). The proposed new restrooms are twelve feet high, and share the same design as the new restrooms recently installed by the City at the Rose Avenue public beach parking lot and at the Venice Beach Recreation Center [Coastal Development Permit 5-96-176 (City of Los Angeles)].

A new public restroom is also proposed to be installed on the seaward edge of the Venice Boulevard parking lot to replace an existing dilapidated restroom (Exhibit #9, p.2). The existing public restroom, which is on the sandy beach only about ninety feet from the high tide line, would be completely demolished and the site restored as sandy beach (about 2,000 square feet of sand area). The abandoned sewer lines would be removed also from the beach.

The proposed new restroom would be situated about one hundred feet further inland than the existing restroom building, and would also be situated closer to the Los Angeles County beach maintenance yard and lifeguard headquarters building in order to be better protected by an existing rock revetment. The proposed restroom building, much like the existing restroom building, would be highly visible from the boardwalk and adjacent beach areas. Given the purpose of the structure (to meet beachgoers' sanitary needs), it is not practical to locate the new restroom facility too far from the beach, bike path and parking lot. The design of the proposed twelve-foot high structure does not include an excessively large or tall building bulk, and is compatible with the character of the surrounding area. The forty-foot high lifeguard headquarters tower, which dominates the landscape, is situated less than a hundred feet down the beach. Therefore, the proposed restroom building would be subordinate to the character of its setting, would not substantially interfere with the public's view of the shoreline, and is consistent with Section 30251 of the Coastal Act.

The proposed refurbishment of the existing semi-subterranean restroom facility located on the sandy beach seaward of Yawl Street on the Marina Peninsula likewise would not substantially interfere with the public's view of the shoreline, and is consistent with Section 30251 of the Coastal Act (Exhibit #17). The County-maintained facility is located on the sand within the northern extent of Dockweiler State Beach (Exhibit #2, p.3). New canopy roofs would be added to the existing structure, and a new ADA accessible facility (single stall) would be constructed at grade (9' or 12' above sand). Because it is an improvement to an existing facility, the proposed refurbishment cannot be located to a less visible area of the beach. The

proposed addition of the 64 square foot ADA accessible toilet is a minor addition that will not substantially enlarge the existing building (Exhibit #19). The new stall must be above grade in order to be accessible to handicapped persons.

## **Signage**

Signs can have, and often do have, an adverse effect on scenic coastal resources. Excessive and unnecessary signage in coastal areas is not consistent with Section 30251 of the Coastal Act because such signage degrades the scenic and visual qualities of coastal areas. Section 30251 requires that quality in visually degraded areas be restored and enhanced. Signs that degrade visual resources include very large signs, signs on top of buildings that block views of the shoreline and/or sky, and freestanding signs that interfere with coastal access or block views of the shoreline and/or sky.

In regards to signs, the certified Venice LUP contains the following policies:

- **Policy I. D. 4. Signs.** *Roof top signs and billboards are prohibited in all land use categories. Business identification signs shall comply with the height limits and development standards specified in the LUP to ensure they do not adversely affect view sheds and view corridors.*
- **Policy II. A. 8. Signage and Management of Public Beach Parking.** *The availability of alternative beach parking shall be advertised via ads and/or signs at the Venice beach and boardwalk, flyers distributed at local businesses and on the boardwalk.*

Informational signage, however, is necessary and can be designed in manner protective of visual resources. The applicant has not proposed to implement a specific signage plan, although the proposed parking lot entrances and beach equipment rental stands are going to include informational signs to display the information that is currently displayed on the existing facilities. The necessary information displayed by signs at Venice Beach includes the price of parking and equipment rentals, regulations regarding the use of the beach and recreation facilities, directional information, and public service information (i.e. beach closures, surf warnings, etc.). Such signage can be permitted if it is displayed in a manner that is protective of the scenic and visual qualities of the area. Small flags are proposed near the signs and on the proposed kiosks in order to attract the public's attention and increase their visibility.

Therefore, in order to ensure that the signage associated with the proposed development is designed consistent with the requirements of Section 30251 of the Coastal Act, Special Condition Five requires the applicant to develop, and submit for approval, comprehensive signage plan. Special Condition Five (D) requires the applicant to provide signage to direct the public to alternate public beach parking facilities located inland of the boardwalk, as called for by Policy II.A.8 of the certified Venice LUP. Only as conditioned does the proposed project conform to the requirements of Section 30251 of the Coastal Act and the certified Venice LUP.

## **E. Marine Resources – Water Quality**

The Coastal Act contains policies that address development in or near coastal waters. The proposed project is located on the beach, which may be submerged during extreme storm events (Exhibit #2). The standard of review for the proposed development is the Chapter 3

policies of the Coastal Act, including the following marine resource policies. Sections 30230 and 30231 of the Coastal Act require the protection of biological productivity, public recreation and marine resources.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30232 of the Coastal Act requires that special precautions be implemented to protect the coastal environment from hazardous substances. Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Section 30240 of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) be protected from adverse impacts. The proposed project is located along the shoreline of Santa Monica Bay, an ESHA. Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Sections 30230, 30231, 30232 and 30240 of the Coastal Act require that marine resources be maintained, enhanced, and restored in a manner that will sustain the biological productivity of all species of marine organisms in coastal waters, and that the biological productivity and water quality of coastal waters (in this case the Santa Monica Bay) be maintained and restored by controlling polluted runoff.

The proposed project is located at the middle point along the Santa Monica Bay shoreline. Santa Monica Bay has received recognition as an estuary of ecological importance. Under the Clean Water Act, 1977 and the Water Quality Act, 1987 Congress established the National Estuary Program (NEP). The Santa Monica Bay is an estuary participating in this program which provides a mechanism for coordination action. The Santa Monica Bay Restoration Program (SMBRP) was created to develop a Comprehensive Conservation and Management Plan for the Bay. The plan addressed habitat and water quality concerns within Santa Monica Bay through a long-term watershed management strategy.

The Santa Monica Bay supports a wide array of marine habitat for marine mammals, fish, waterfowl, and shorebirds. Endangered species in the bay include the California gray whale, brown pelican and the California least tern. Santa Monica Bay also provides people with many water-related recreational activities such as fishing, boating, swimming, surfing and scuba diving. Because of the extensive coastal recreation activities and the sensitivity of the Bay habitat, water quality issues are essential in the review of this project.

Pollutants such as sediments, toxic substances (e.g., grease, motor oil, heavy metals, and pesticides), bacteria, and trash and particulate debris are often contained within urban runoff entering via the storm water system or directly into the ocean. Parking facilities (because of the people and their vehicles that utilize them), like the ones subject to this permit, are major sources of these pollutants. The discharge of polluted runoff into the Santa Monica Bay would have significant adverse impacts on the overall water quality of the Bay and Pacific Ocean. Poor water quality has an adverse effect on marine life and coastal recreation.

### **Construction Impacts to Water Quality**

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, tide, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition Three outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris.

Special Condition Three requires the applicant to dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone will require an amendment or new coastal development permit. This condition also requires the applicant to submit a Construction Best Management Practice Plan. In addition, Special Condition Three requires the implementation of Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity prior to the onset of construction. Only as conditioned can the proposed development be completed in conformance with the marine resource protection policies of the Coastal Act.

## **Water Quality Management Plan**

The proposed project includes the demolition and/or resurfacing of three public beach parking lots, demolition and rebuilding of two restroom facilities, and construction of three new concession buildings. These public recreation facilities at Venice Beach are many years old and, as stated by the applicant, in need of repair. Most of the beach facilities would be demolished and rebuilt. Currently, water runoff drains in sheet flows across the beach facilities onto the beach and into the ocean. Since these beach facilities were constructed decades ago, the project site is lacking in water quality measures to treat or filtrate storm water runoff that leaves the site and enters the coastal waters. Typically, runoff from parking lots and maintenance yards contain high concentrations of oils, grease, heavy metals, and other automobile fluids, as well as trash and particulate debris. Currently, there is no storm drain or water quality filtration infrastructure in the parking lots, except at the Washington Boulevard/Venice Pier parking lot, where there are some subsurface drains. No new drain outlets are proposed to be constructed on the sandy beach.

The discharge of these pollutants to coastal waters can cause cumulative adverse impacts to water quality, including eutrophication and anoxic conditions. Eutrophication and anoxic conditions can result in:

- Fish kills, aquatic diseases, and the alteration of aquatic habitat, including adverse changes to species composition and size;
- Excess nutrients causing algae blooms and sedimentation increasing turbidity which both reduce the penetration of sunlight needed by aquatic vegetation which provide food and cover for aquatic species;
- Disruptions to the reproductive cycle of aquatic species; and,
- Acute and sublethal toxicity in marine organisms leading to adverse changes in reproduction and feeding behavior.

These impacts reduce the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes and reduce optimum populations of marine organisms and have adverse impacts on human health.

Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require Special Condition Four. This special condition requires the incorporation of Water Quality Management Plan (WQMP) designed to treat, infiltrate, or filter the runoff from all surfaces and activities on the development site. The Water Quality Management Plan requires the implementation of appropriate BMPs for all aspects of the project including parking lots, concession stands, restrooms, and the vehicle and maintenance yard.

Critical to the successful function of post-construction structural BMPs in removing pollutants in storm water to the Maximum Extent Practicable (MEP) is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small in scale. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a

storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost. Therefore, post-construction structural BMPs (or suites of BMPs) should be designed to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.

The Commission notes that BMPs are very new in design and some are still in the experimental stage and the applicant may determine that another method is more effective after the completion of the project. A key factor in the continued effectiveness of structural BMPs is regular and adequate maintenance and monitoring of the implemented system. Also, by implementing a monitoring program the applicant can ensure, through an annual report submitted to the Executive Director for no less than three years, that the proper type and design of BMPs were selected to comply with the Water Quality Management Plan.

Special Condition Four (D) requires that all BMPs be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and when necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15<sup>th</sup> and April 15<sup>th</sup> of each year and, (3) at least twice during the dry season. Debris and other water pollutants removed from filter device(s) during clean-out shall be contained and disposed of in a proper manner.

### **Permanent Construction Material**

The applicant has proposed to construct a playground, walkways, restrooms, and other beach facilities located on or adjacent to the sandy beach. During construction, certain materials are used that were not identified during project development. In past projects, items such as telephone poles, railroad ties and other items containing oil-based materials have been used. Water and sand contact could leach out contaminants from such items, and the contaminants could be washed into the ocean. According to the California Department of Fish and Game, the use of any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous materials is typically prohibited for use in State Waters. Creosote is included in this category. Special Condition Eleven prohibits the applicant to use any of the following materials in any of the proposed benches, walls, bollards, or support structures: petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, including creosote, or carbonaceous materials or substance.

Only as conditioned to comply with construction related requirements, dispose of all debris at an approved disposal site, incorporate and maintain BMPs during construction and after construction, and forbid the use of structures containing petroleum based material is the proposed project consistent with the marine resource policies of the Coastal Act.

### **F. ESHA – Least Tern Nesting Site**

The land and marine resource policies of the Coastal Act require that development be carried out in a manner that prevents disruption of habitat values and sustains healthy populations of marine life. Section 30240 of the Coastal Act requires that environmentally sensitive habitat

areas (ESHA) be protected from adverse impacts. These policies protect the California least tern and Venice Beach least tern colony.

The proposed project includes the refurbishment of the existing semi-subterranean restroom facility located on the sandy beach within the northern extent of Dockweiler State Beach, about 150 feet from the fenced California least tern nesting area (Exhibit #2, p.3). The Department of Fish and Game has proposed an expansion of the fenced least tern area that would result in a distance of 120 feet between the fence and the restroom [See Coastal Development Permit Application 5-02-309/5-87-847-A (DFG)]. The applicant proposes to complete the project outside of the least tern's nesting season that generally runs from mid-March until late September. New canopy roofs would be added to the existing structure, and a new ADA accessible facility (single stall) would be constructed at grade (9' or 12' above sand) on a new concrete pad abutting the existing facility (Exhibits #17-19). In addition, the applicant proposes to construct new four-foot wide, 240-foot long concrete path on the beach to connect the facility with the existing paved public accessway on the Marina del Rey North Entrance Jetty (Exhibit #17). The proposed walkway is on the opposite side of the restroom as the least tern area.

The certified Venice LUP encourages access paths on the beach as long as they do not adversely affect the least tern nesting area. The proposed path, however, does not extend to the shoreline which is about 800 feet away (Exhibit #19). The proposed path extends northward from the existing public access path on the Marina del Rey north entrance jetty which does extend to the shoreline (Exhibit #2, p.3).

The following LUP policies are relevant:

- **Policy II. C. 6. Disabled/Elderly Access Paths.** *Access paths should be provided across beach lands to the shoreline for use primarily by the elderly and disabled persons. Such paths should be located in the vicinity of the Venice Pier and be compatible with the Least Tern nesting ground. The existing public access path on the Marina del Rey north entrance jetty shall be maintained and enhanced, and may also include a shaded overlook area, provided that public views are not significantly impaired.*
- **Policy III. C. 2. Least Tern Nesting Area.** *No development permits shall be granted for development which would have a potential significant impact on the Least Tern nesting ground in the vicinity of the jetty at the Marina Channel.*
- **Policy IV. D. 3. Venice Beach.** *The Least Tern nesting habitat on Venice Beach shall be preserved and shall not be disturbed by encroachments of public improvements and activities.*

As stated above, a portion of the proposed project is located approximately 150 feet south of the Venice Beach California least tern colony, one of the largest and most productive colonies of California least terns remaining in the state (Exhibit #2, p.3). The certified Venice LUP identifies the least tern colony as an ESHA protected by Section 30240 of the Coastal Act. The California least tern, Sterna antillarum browni, is a Federal and State listed endangered species. The least tern is migratory and generally arrives in the project area each year in early April, and departs in early autumn. Least terns capture small fish for their newly hatched chicks in the nearby ocean, wetlands, lagoons, and canals. These fish include northern anchovies, gobies, top smelt, various surfperch, killifish, mosquito fish, and other lagoon and estuarine fish species.



The proposed public access path and restroom refurbishment do not encroach into or near the least tern nesting area identified in the certified Venice LUP. In order to protect least terns from disturbance by noise and activities associated with construction, the proposed construction activities on the Marina Peninsula beach are restricted by Special Condition Two (A) to occur only outside of the least tern-nesting season. No work is proposed to occur in the water. Only as conditioned is the proposed project consistent with the marine resource policies of the Coastal Act and the policies of the certified Venice LUP.

Special Condition Ten requires the permittee to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Only as conditioned is the proposed project consistent with the marine resource policies of the Coastal Act.

The special conditions of approval adequately address and mitigate any potential adverse impacts to the environment caused by the proposed project. Therefore, as conditioned, the proposed project is consistent with the marine resource policies of the Coastal Act.

#### **G. Hazards**

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Developments located in or near the ocean have the potential for damage caused by storms and wave energy. The proposed project is located on the beach where development is susceptible to flooding and wave damage. Portions of the proposed development encroach within one hundred feet of the current mean high tide line (Exhibits #10&15). No development in or near the water can be guaranteed to be safe from hazard.

#### **Wave Impact, Storm Events, and Flooding Hazards**

The proposed oceanfront development is located at Venice Beach, within the central portion of Santa Monica Bay between the Marina del Rey entrance channel to the south and the City of

Santa Monica to the north. The width of the beach in the project area, between the boardwalk and the mean high tide line, is about 250 feet at the narrowest width and about 800 feet at its widest section. The widest part of the project area is the southernmost section of Venice, immediately north (upcoast) of the Marina del Rey north entrance jetty (Exhibit #2, p.3). The narrowest sections of beach exist at the Venice Boulevard and Washington Boulevard public beach parking lots, both of which are proposed to be renovated as part of the proposed project (Exhibit #2, p.2). The width of Venice Beach, even at its narrowest sections, provides the public recreation facilities a measure of protection from wave hazards. However, beach erosion is seasonal and is subject to extreme storm events that may expose the project to wave up-rush and wave damage.

The especially high seas and heavy wave action generated during the 1982-83 El Nino winter storms, and again in 1988, caused extensive beach erosion throughout Southern California. During 1983 and 1988 storm events, Venice Beach was flooded by wave up-rush and suffered from erosion. Although the seaward edge of the Venice Boulevard parking lot was damaged by wave erosion, the public restrooms and other two beach parking lots survived the 1983 and 1988 storm events without major damage.

Beach areas are dynamic environments that are subject to unforeseen changes. Therefore, the presence of a wide sandy beach does not preclude wave up-rush damage and flooding from occurring on this beach in the future. The width of the beach can and does change on an annual and seasonal basis. Sometimes extreme changes occur during a single storm event, like the ones that occurred in 1983 and 1998. Changing beach width, in combination with extreme storm events, would likely result in flooding and wave damage to the proposed development.

Section 30253 requires that new development be designed and sited to lessen the risks due to hazards. In this case, the risks are from waves, storm events, erosion and flooding. The proposed project includes the reconstruction and seaward expansion of the Venice Boulevard public beach parking lot, improvement of the Washington Boulevard public beach parking lot, construction of a playground, the demolition of two old restrooms and construction of two new restrooms on the seaward sides of the Venice Boulevard and Washington Boulevard public beach parking lots, refurbishment of an existing restroom, construction of a segment of beach bicycle path, and construction of three concession stands. All of the proposed development is located on the beach seaward of the Venice boardwalk (Exhibit #2).

The two new restrooms that are proposed to be constructed seaward of the Venice Boulevard and Washington Boulevard parking lots would be situated behind existing rock revetments (Exhibits #10&15). In order to create more space for the proposed new restroom situated seaward of the Washington Boulevard parking lot, the existing revetment would be relocated several feet seaward of its current position (Exhibit #15).

The applicant has submitted a Wave Run-Up Analysis by Concept Marine Associates, Inc. (See Exhibits #5,10,15&21). The design high water level used in the analysis is the previously recorded extreme high water level for the shoreline (+8.6' MLLW recorded November 30, 1982 storm event) with an additional 0.2 feet added for possible future sea level rise over the next 25 years. The analysis is for a 25-year design period. The analysis estimates a 0.75-foot sea level rise over the next one hundred years.

The results and conclusions of the Wave Run-Up Analysis are attached as Exhibit #21. The analysis shows that the sites of the facilities being constructed and/or refurbished as part of the proposed project have been, and would be again, inundated during a large storm event. The analysis states that the existing revetments and the applicant's annual construction of sand berms can be expected to protect the new restroom facilities from wave damage, although flooding is unavoidable. There does not appear to be a flood-safe location anywhere within the study area.

The applicant acknowledges the flood-prone nature of the project area, and the likelihood that the recreation facilities may be damaged or destroyed by flooding and/or wave erosion. In a letter dated July 9, 2001 [addressed to Teresa Henry, District Director (sic), and signed by Joseph Chesler for Department of Beaches and Harbors Director Stan Wisniewski] the applicant states that:

*"The facilities at Venice Beach are considered 'temporary' in that we are fully aware that an extraordinary storm could damage or destroy them. We believe our plans are prudent and that the facilities will serve the public for their entire expected useful life. However, if they are destroyed, then they will be rebuilt, if funding is available. In any event, the County has no intention to build any shoreline protection devices as part of this, or any other, project at Venice Beach."*

The applicant acknowledges that the facilities at Venice Beach are considered "temporary" because they could be damaged or destroyed by a storm. Section 30253 requires that the facilities be designed and sited to lessen the risks due this known hazard. In order to lessen the risks of damage and destruction of the structures, and to lessen the risk of environmental damage caused by broken sewer lines and surf-borne debris from damaged structures, the proposed development must be designed to withstand a significant storm event. The Commission's coastal engineer has reviewed the wave run-up analysis and recommends that the structures and their sewer connections be designed, and reviewed and approved for structural soundness and safety by a qualified engineer, to withstand flooding associated with a 100-year storm event (Special Condition 1.E).

This condition is being required in light of the acknowledgement that the proposed restrooms would be sited in an area where they will be subject to periodic wave attack. Relocation of the proposed restrooms to a safer inland area or higher elevation is not practical or reasonable, given their purpose, but preventative measures are required to ensure that the structures do not become a source of water pollution or beach debris when they are subject to the expected storm attack. Only as conditioned does the proposed project conform to the requirements of Section 30253 of the Coastal Act.

### **Assumption of Risk**

Because the project site is subject to significant wave hazards, storms, flooding, or erosion, Special Condition Thirteen requires the applicant to acknowledge and agree again in writing that the project site and improvements are located in an area that is subject to flooding and wave run-up hazards and to assume the risks to the applicant and the property subject to this permit. With this standard waiver of liability condition, the applicant is also notified that the

Commission is not liable for such damage as a result of approving the permit for development. In addition, the applicant must obtain written agreements from the property owner (City of Los Angeles) where the proposed improvements are located, stating that the landowner also assume the risks of the development on its property, and it will not hold the Commission liable for damages as a result of approving the permit for the development.

The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition ensures that the applicant understands and assumes the potential hazards associated with development in or near the water. The Commission has imposed such a condition on Coastal Development Permit 5-90-490 (City of Huntington Beach), Coastal Development Permit 5-94-100 (Pointe Design - Avalon), Coastal Development Permit 5-98-156 (City of Long Beach), and Coastal Development Permit 5-01-262 (L.A. Co.).

### **No Future Shoreline Protective Device**

Section 30235 of the Coastal Act states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

The Coastal Act limits construction of protective devices because they have a variety of negative impacts on coastal resources including adverse effects on sand supply, public access, coastal views, natural landforms, and overall shoreline beach dynamics on and off site, ultimately resulting in the loss of beach and coastal access. Under Section 30235 of the Coastal Act, a shoreline protective structure must be approved if: (1) there is an existing principal structure in imminent danger from erosion; (2) shoreline altering construction is required to protect the existing threatened structure; and (3) the required protection is designed to eliminate or mitigate the adverse impacts on shoreline sand supply.

Section 30235 requires the Commission to approve shoreline protection for development only for existing principal structures. The construction of a shoreline protective device to protect new development would not be required by Section 30235 of the Coastal Act. In fact, it would be in conflict with several sections of the Coastal Act. For example, Section 30253(2) specifically prohibits any new development that creates or contributes significantly to erosion or that requires "the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." In the case of the current project, the applicant does not propose the construction of any new shoreline protective device to protect the proposed development. It is not possible to completely predict what conditions the proposed structure may be subject to in the future. Consequently, it is conceivable the proposed structure may be subject to wave run-up hazards that could lead to a request for a protective device.

Shoreline protective devices can result in a number of adverse effects on the dynamic shoreline system and the public's beach ownership interests. First, shoreline protective devices can cause changes in the shoreline profile, particularly changes in the slope of the profile resulting from a reduced beach berm width. This may alter the usable area under public

ownership. A beach that rests either temporarily or permanently at a steeper angle than under natural conditions will have less horizontal distance between the mean low water and mean high water lines. This reduces the actual area in which the public can pass on public property.

The second effect of a shoreline protective device on access is through a progressive loss of sand as shore material is not available to nourish the bar. The lack of an effective bar can allow such high wave energy on the shoreline that materials may be lost far offshore where it is no longer available to nourish the beach. A loss of area between the mean high water line and the actual water is a significant adverse impact on public access to the beach.

Third, shoreline protective devices such as revetments and bulkheads cumulatively affect shoreline sand supply and public access by causing accelerated and increased erosion on adjacent public beaches. This effect may not become clear until such devices are constructed individually along a shoreline and they reach a public beach. Venice Beach is currently a wide sandy beach. However, the width of the beach can vary, as demonstrated by severe storm events. The Commission notes that if a seasonal eroded beach condition occurs with greater frequency due to the placement of a shoreline protective device on the subject site, then the subject beach would also accrete at a slower rate.

The Commission also notes that many studies performed on both oscillating and eroding beaches have concluded that loss of beach occurs on both types of beaches where a shoreline protective device exists.

Fourth, if not sited in a landward location that ensures that the seawall is only acted upon during severe storm events, beach scour during the winter season will be accelerated because there is less beach area to dissipate the wave's energy. Finally, revetments, bulkheads, and seawalls interfere directly with public access by their occupation of beach area that will not only be unavailable during high tide and severe storm events, but also potentially throughout the winter season.

As noted above, Section 30253(2) of the Coastal Act states that new development shall neither create nor contribute to erosion or geologic instability of the project site or surrounding area. Therefore, if the proposed structure requires a protective device in the future, and the applicant were able to seek one pursuant to Section 30235, this project would also be inconsistent with Section 30253 of the Coastal Act because such devices contribute to beach erosion (as mentioned above).

Based on the information provided by the applicant, no mitigation measures, such as a seawall, are anticipated in the future. There is currently a wide sandy beach in front of the proposed development and a beach berm that is constructed every winter that currently provides substantial protection from wave activity. The applicant, however, acknowledges that the facilities at Venice Beach are considered "temporary" because they could be damaged or destroyed by a storm. The applicant has stated in writing that it has no intention to build any shoreline protection devices as part of this, or any other, project at Venice Beach.

To further ensure that the proposed project is consistent with Sections 30235, 30253 and the visual, access and recreation policies of the Coastal Act, among others, and to ensure that the proposed project does not result in future adverse effects to coastal processes, the Commission imposes Special Condition Twelve which requires the applicant to agree that no

future shoreline protective device ever be constructed to protect any portion of the proposed project including, but not limited to restrooms, concession stands, maintenance facilities, parking lots, and any other future improvements in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future.

Special Condition Twelve also requires the applicant to remove the development authorized by this permit, including restrooms, concession stands, maintenance facilities and parking lots, if any government agency has ordered that the development is not to be occupied due to any of the hazards identified above. In the event that portions of the development fall to the beach before they are removed, the permittee and/or landowner shall remove all recoverable debris associated with the development from the beach and ocean and lawfully dispose of the material in an approved disposal site.

Finally, Special Condition Twelve requires that in the event the shoreline recedes to within ten feet of the development authorized by this permit, but no government agency has ordered that the development not be occupied, a geotechnical investigation shall be prepared by a licensed coastal engineer and geologist retained by the permittee. The report shall address whether any portion of the development is threatened by wave, erosion, storm conditions, or other natural hazards. If the geotechnical report concludes that the development authorized by this permit or any portion of the development are unsafe, the permittee and/or landowner shall, in accordance with a coastal development permit, remove the threatened portion of the development.

In addition, the applicant must obtain written agreements from the property owner (City of Los Angeles) where the proposed improvements are located, stating that the landowner also agrees to the terms of Special Condition Twelve. Only as conditioned, does the Commission find that the proposed project is consistent with Section 30253 and 30235 of the Coastal Act.

#### **H. Local Coastal Program**

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

#### **I. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires Commission approval of coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Only as conditioned, there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and complies with the applicable requirements of the Coastal Act to conform to CEQA.

End/cp